



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

OCT 25 2016

Ref: 8ENF-AT

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Fred von Ahrens, Manufacturing Director
Tronox Alkali Wyoming Corporation
P.O. Box 872
Green River, Wyoming 82935

Re: Follow-up to Section 114(a) Information Request for the Tronox Alkali Wyoming Corporation Westvaco Facility in Green River, Wyoming; Capital Projects Identified

Dear Mr. von Ahrens:

The EPA has reviewed the information provided by FMC Corporation (FMC) with respect to the Westvaco trona ore processing facility (Westvaco) in response to the EPA's April 28, 2014 Request for Information (April 2014 Request) under section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414(a). In a letter dated July 8, 2016, counsel indicated that, as of 2015, Tronox Alkali Wyoming Corporation (Tronox) owns the Westvaco facility. Pursuant to the authority under section 114 of the CAA, the EPA is seeking additional information so that a determination can be made as to whether the Westvaco facility has been, and is, complying with the CAA's requirements regarding work performed on emission units at the facility.

The enclosed Request for Information contains questions to clarify the information FMC provided in response to the April 2014 Request. A narrowed list of capital projects and clarification questions are provided in Enclosure 1 to this letter. Pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates an emissions source to establish and maintain records, make reports, sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as she may reasonably require for the purposes of determining whether such person is in violation of any provision of the CAA. This authority has been delegated to the undersigned official.

This Request for Information is a supplement to the April 2014 Request and is also made pursuant to section 114(a) of the Act, 42 U.S.C. § 7414(a). This Request for Information incorporates the applicable instructions, definitions, and requirements of the April 2014 Request. Please refer to the April 2014 Request at Enclosure 2 for applicable instructions, definitions, certification requirements, and business confidentiality claim assertion and substantiation requirements. Tronox's response to this Request for Information is due within **thirty (30) days** of its receipt of this letter.

Failure to provide the required information is a violation of the CAA and may result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to section 113(d) of the CAA,

42 U.S.C. § 7413(d); 2) issuance of an order requiring compliance with this Request for Information; 3) the initiation of a civil action pursuant to section 113(b) of the CAA, 42 U.S.C. § 7413(b); and/or 4) any other action authorized under the CAA. In addition, knowingly providing false information in response to this Request for Information may be actionable under section 113(c) of the CAA, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

Under section 114(c) of the CAA, 42 U.S.C. § 7414(c), and pursuant to regulations at 40 C.F.R. Part 2, including 40 C.F.R. § 2.301, you are entitled to claim as confidential any information you provide to the EPA which involves trade secrets and is regarded as confidential business information by you. For such information, you may request that the EPA treat such information as confidential. Any such claim for confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). *Note that emissions information is not considered confidential under section 114(c).* For detailed instructions, please see Enclosure 4 to the April 2014 Request. Information you supply will be treated as confidential business information to the degree determined to be appropriate according to the regulations. If you fail to furnish a business confidentiality claim with your response to this Request for Information, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

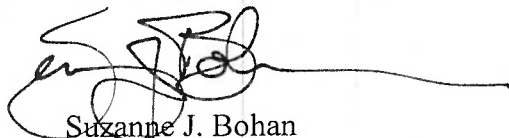
YOU MUST SUBMIT ALL RESPONSIVE INFORMATION: *Whether or not you make a claim of confidentiality.*

Please submit your response to this Request for Information to:

U.S. Environmental Protection Agency, Region 8
Technical Enforcement Program (8ENF-AT)
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street
Denver, Colorado 80202-1129
Attention: Joseph Wilwerding

If you have any questions regarding this Request for Information, please contact Joseph Wilwerding at 303-312-6729, or your counsel may contact Jessica Portmess, at 303-312-7026.

Sincerely,



Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

1. Information Requested
2. April 28, 2014 Request for Information
3. Statement of Certification

cc: Nancy Vehr, Wyoming Department of Environmental Quality
Jessica Portmess, R8ENF-L
Joe Wilwerding, R8ENF-AT
Greg Fried, EPA-Headquarters

ENCLOSURE 1 – MAY CONTAIN CONFIDENTIAL BUSINESS INFORMATION

1. The EPA has reviewed the list of capital projects related to the coal-fired boilers provided by FMC with respect to the Westvaco facility in response to the April 2014 Request for Information, and has identified a narrowed list of projects for which the EPA requests supplemental information. For each of the capital projects listed in the following table, please provide:
 - a. Copies of all capital expenditure project requests with authorized expenditures, authorizing signatures, and approval dates, with all attachments and supporting documents;
 - b. The documents requested in question 6 of the April 2014 Request;
 - c. All documents requested in question 7 of the April 2014 Request. To the extent FMC provided all responsive information regarding question 7 in response to the April 2014 Request for all coal-fired boilers, Tronox may state such in its response to this Request for Information.

Project Number	Boiler Unit No.	Project Description
C95-01-243	Unknown	Overhaul #4 T/G
C95-10-000	Unknown	Overhaul # 4 T/G
IPG970UTL253	Unknown	Overhaul #5 Turbine/Generator
IPG990UTL007	Unknown	Overhaul #6 Turbine-Generator
IPG021UTL044	7	Re-Basket #7 Ljungstrom
IPG020UTL002	Unknown	Overhaul #4 Turbine/Generator
IPG030UTL001	Unknown	Overhaul #5 Turbine / Generator
IPG040UTL004	7	#7 Boiler Generating Tube Repairs
IPG030UTL005	Unknown	Overhaul #6 Turbine/Generator - 2004
IPG050UTL002	6	Number 6 Boiler Generating Tube Rehab
IPG060UTL005	Unknown	Emergency Overhaul #6 T/G 2006
IPG070UTL008	Unknown	Overhaul #5 T/G - 2008
IPG060UTL003	Unknown	Overhaul #4 Turbine/Generator- 2006

Project Number	Boiler Unit No.	Project Description
IPG090UTL003	6	#6 Boiler Ljungstrom Rebasket
IPG080UTL005	7	#7 Boiler Tube Replacement
IPG090UTL004	Unknown	Overhaul #6 Turbine/Generator- 2010
IPG100UTL007	7	No. 7 Boiler Generating Tube Replacement
IPG100UTL006	7	No. 7 Superheater Replacement
IPG111UTL009	6	6 Boiler Slope Tube Replacement
IPG100UTL002	Unknown	#4 T/G Emerg. Repairs and Degauss
IPG110UTL002	Unknown	Overhaul #4 Turbine/Generator
Unknown	6	Fan rehabilitation work scheduled in 2015
Unknown	7	Precipitator recondition scheduled in 2014

2. The EPA has reviewed the list of capital projects related to the calciners provided by FMC with respect to the Westvaco facility in response to the April 2014 Request for Information, and has identified a narrowed list of projects for which the EPA requests supplemental information. For each of the capital projects listed in the following table, please provide:
- The documents requested in question 6 of the April 2014 Request;
 - All documents requested in question 7 of the April 2014 Request. To the extent FMC provided all responsive information regarding question 7 in response to the April 2014 Request for all calciners, Tronox may state such in its response to this Request for Information.

Unit	Project	Start Date
Mono I Calciner	Mono I Seal Replacements – 2005	Aug-2005
Mono II Calciner	Mono II Discharge Seal Replacement – 2007	Oct-2007
Mono I Calciner	Mono I Belt Feeder Upgrade – 2013	Jul-2013
Sesqui R-13 Calciner	R-13 (RA-23A&B) Conveying Improvements – 1998	Jul-1999

3. Provide an update to FMC's responses to questions 4 through 11 of the April 2014 Request for all calciners and coal-fired boilers at the facility for the period 7/31/2014 to present.
4. Provide a process and block flow diagram for the current Tronox Westvaco plant configuration, and a diagram for each plant configuration used between 1995 and 2016, indicating the time period to which the configuration applies. Include all calciners, boilers, and process operations served by the boilers on each diagram.
5. From 1996 to 2007, FMC reported CO emissions of about 15 tons per year (tpy) from the Mono I calciner and 30 tpy from the Mono II calciner (in response to question 10 of the April 2014 request). Then, starting in 2008 and continuing through 2013, FMC reported CO emissions of about 1,500 tpy from Mono I and 2,700 tpy from Mono II. Provide an explanation for the large increase in CO emissions reported from both Mono I and Mono II.
6. From 1996 to 2012, FMC reported relatively consistent levels of VOC emissions from both Mono calciners: about 35 tpy VOC from Mono I and 160 tpy VOC from Mono II (in response to question 10 of the April 2014 Request). Then, in 2013, FMC reported VOC emissions of 200 tpy from Mono I and 600 tpy VOC from Mono II. Provide an explanation for the increase in VOC emissions reported from both Mono I and Mono II.
7. On September 19, 1997, Wyoming Department of Environmental Quality issued Permit MD-334 and approved a production increase for the RA-29 sesqui calciner. The permit established a new operation limit of 123.6 tons per hour (tph) ore feed rate, or 80 tph dry sesqui soda ash product, approximately triple the previous operation limits established under Permit CT-1134 (42.8 tph ore feed rate, or 25 tph dry sesqui soda ash product). Please provide a PSD applicability analysis, permit application, and/or state permitting correspondence for this production increase. Please also provide monthly emissions data for the sesqui calciner from January 1995 to December 2002. If emissions data are not available, please provide an explanation as to why the data are missing.

8. FMC's 2007 Title V permit references Permit CT-1045A, issued on November 28, 1995, which increased the capacity of the gas-fired boiler (MW-5) powering the ELDM calciner from 234 MMBtu/hr to 315 MMBtu/hr and set a lb/MMBtu, as well as a lb/hr, NOx and CO limit on the boiler. Provide a copy of this permit and all documents related to the permit application, including any PSD applicability analysis for this permitted increase in capacity.
9. Provide the stack test summary report pages for all stack tests referenced in FMC's responses dated June 30, 2014 and July 31, 2014. Provide complete stack test reports for any additional stack tests conducted on the mono calciners, sesqui calciners, ELDM calciners, or boilers since then.
10. FMC's previous responses included the results of PM stack tests of the coal-fired boilers from 2001 to 2013. Provide PM stack test reports for the coal-fired boilers from 1995 to 2001.
11. FMC stated in its response to question 10(h) of the April 2014 Request [Bates number FMC W001293] that NS-3 calciner NOx emissions were calculated based on annual compliance test results. However, it was unclear to the EPA if calculations of NOx emissions for the MONO-5 calciner (not tested annually) were based on compliance test data from the NS-3 calciner, or were based on test data (reportedly recorded per permit term) from the MONO-5 calciner. State the source of test data used to calculate MONO-5 NOx emissions, and provide the emissions factor(s) used to calculate all annual emissions from 1995 to present.
12. Provide a copy of the purchase agreement between FMC Corporation and Tronox Alkali Wyoming Corporation for the Westvaco facility.

ENCLOSURE 2

APRIL 28, 2014 INFORMATION REQUEST



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

APR 28 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Fred von Ahrens, Manufacturing Director
FMC Corporation
P.O. Box 872
580 Westvaco Road
Green River, WY 82935

Re: Section 114(a) Information Request for FMC Corporation Facilities in Wyoming

Dear Mr. von Ahrens:

The United States Environmental Protection Agency (EPA) hereby requires FMC Corporation (FMC or you) to provide certain information to determine the Clean Air Act (CAA) compliance status of the Westvaco Facility and the Granger Facility that you own or operate approximately 20 and 30 miles west respectively of Green River, Wyoming.

Pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates an emissions source to establish and maintain records, make reports, sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as she may reasonably require for the purposes of determining whether such person is in violation of any provision of the CAA. For the EPA to determine whether a violation of the CAA has occurred, you are hereby required, pursuant to section 114 of the CAA, to provide responses to the following request for information regarding the facilities listed above. Accordingly, within thirty (30) calendar days from receipt of this request, you must respond to this request. Instructions and definitions are provided in Enclosure 1 and the information being requested is contained in Enclosure 2.

You are required to attach a properly executed Statement of Certification (Enclosure 3) to your response to this request. The statement must be signed and dated. This statement certifies that the response submitted to the EPA is true, correct, accurate, and complete; and that the response contains all documents and information responsive to this request that are known to you, following a complete and thorough review of all information and sources available to you.

You are under an obligation to preserve all documents requested in this letter until you receive further instructions from the EPA.

Failure to provide the required information may result in the initiation of a civil action pursuant to section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, knowingly providing false information in response to this information request may be actionable under section 113(c) of the Act, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

Under section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to regulations at 40 C.F.R. Part 2, including 40 C.F.R. § 2.301, you are entitled to claim as confidential any information you provide to the EPA which involves trade secrets and is regarded as confidential business information by you. For such information, you may request that the EPA treat such information as confidential. Any such claim for confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that emissions information is not considered confidential under section 114(c). For detailed instructions, please see Enclosure 4 to this letter. Information you supply will be treated as confidential business information to the degree determined to be appropriate according to the regulations. If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

YOU MUST SUBMIT ALL RESPONSIVE INFORMATION: *Whether or not you make a claim of confidentiality.*

Please submit your response to this request to:

U.S. Environmental Protection Agency, Region 8
Technical Enforcement Program
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street
Denver, Colorado 80202-1129
Attention: Hans Buenning

If you have any questions regarding this information request, please contact Hans Buenning, at 303-312-6486, or your counsel may contact David Rochlin, at 303-312-6892.

Sincerely,

Eddie A. Sierra

Eddie A. Sierra
Acting Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Enclosures: 1) Instructions and Definitions
2) Information Requested
3) Statement of Certification
4) Confidential Business Information

cc: Steven A. Dietrich, Wyoming Department of Environmental Quality
David Rochlin, EPA- Region 8
Hans Buenning, EPA-Region 8
Greg Fried, EPA Headquarters, Air Enforcement Division

ENCLOSURE 1:

A. INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart set forth in the Information Request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information are not available or in your possession and identify any source that either possesses or is likely to possess such documents or information.

B. DEFINITIONS

All terms used in this information request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, 40 C.F.R. Part 52 (which incorporates the Federally-approved State Implementation Plan), other CAA implementing regulations, or otherwise defined herein.

1. The term "Act" or "CAA" shall mean the Clean Air Act, 42 U.S.C. §§ 7401 et seq.
2. The term "calciner" shall mean the equipment used to remove combined (chemically bound) water and/or gases from mineral material through direct or indirect heating.
3. The term "capital improvement project request" shall mean the documents used by facility personnel that serve the purpose of describing "projects" for equipment and process changes when seeking management approval for a planned expenditure at the facility. These documents are also known as capital appropriation requests, authorizations for expenditure, work order records, improvement requisition projects, or other similar names.
4. The term "coal-fired boiler" shall mean all equipment used for the purpose of generating process steam and/or electricity including, but not limited to, coal handling facilities, boilers, ductwork, stacks, turbines, generators, and all ancillary equipment.

5. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. All documents should also include all attachments to or enclosures for the document provided.
6. "EPA" shall mean the United States Environmental Protection Agency.
7. The term "mmBTU" shall mean million British Thermal Units.
8. The term "PSD" and the term "NSR" shall mean the Prevention of Significant Deterioration and the New Source Review preconstruction permitting programs established at CAA subparts C and D and further defined at 40 C.F.R. Parts 51 and 52 and any respective program established under an EPA-approved state implementation plan.
9. The term "project" shall have the same meaning as defined at 40 C.F.R. § 52.21(b)(52) and § 51.166(b)(51).
10. The term "spill temperature" shall mean the temperature reading taken at the outlet of the calciner where the calcined material is discharged from the calciner drum.

ENCLOSURE 2:

INFORMATION REQUESTED:

Using the instructions and definitions set forth in Enclosure 1, provide the following information for the Westvaco and Granger facilities within thirty (30) calendar days from the date of this request unless otherwise specified.

1. For each facility, provide a list of all owners and operators, including all previous owners and operators since commencement of operation to the present, including the percentage ownership for each owner. For this same time period, describe any and all partnership agreements between these owners and operators concerning the facilities.
2. For each calciner at the Westvaco and Granger facilities, provide:
 - a) the emission unit identification number,
 - b) the date or year operation of the calciner began,
 - c) the original design capacity (tons per hour of ore feed and tons per hour of calcined material for the monohydrate calciners),
 - d) current operating capacity (tons per hour of feed and tons per hour of calcined material for the monohydrate calciners),
 - e) the current operating status of each calciner and, for any unit retired or inactive, the applicable date or year,
 - f) scheduled or planned calciner retirement dates,
 - g) current fuel(s) being fired,
 - h) any historical fuel(s) burned and applicable dates,
 - i) type of particulate emissions control and year installed with description of any performance improvements beyond the original design made to the control device since the original installation,
 - j) type of burners installed with description of any performance improvements beyond the original design made to the burners since original installation, and
 - k) any planned future emission controls and estimated dates of installation.
3. For each coal-fired boiler at the Westvaco and Granger facilities, provide:
 - a) the emission unit identification number,
 - b) the date or year operation of the coal-fired boiler began,
 - c) the original design and current maximum heat input capacity (mmBtu/hr),
 - d) the original design and current steam flow output capacity (lbs steam/hr),
 - e) scheduled or planned boiler retirement dates,
 - f) type of particulate emissions control and year installed with description of any performance improvements beyond the original design made to the control device since the original installation,
 - g) type of sulfur dioxide emissions control and year installed with description of any performance improvements beyond the original design made to the control device since the original installation,

- h) type of nitrogen oxides emission controls and year installed with description of any performance improvements beyond the original design made to the control device since the original installation, and
 - i) any anticipated emission controls and estimated dates of installation.
- 4. Provide a list identifying all capital projects that have been performed on each calciner and coal-fired boiler since January 1, 1995. The list shall include, but is not limited to, the following information:
 - a) the work order number,
 - b) project description,
 - c) list of equipment purchased and installed,
 - d) authorized or projected expenditure,
 - e) actual expenditure,
 - f) date of approval,
 - g) project completion date,
 - h) in-service date, and
 - i) each original equipment manufacturer (OEM), equipment suppliers, or contractors that provided engineering, fabrication, and/or installation services for the project.
- 5. For the capital projects identified in Request No. 4 pertaining to calciners, provide copies of all capital improvement project requests with authorized expenditures, authorizing signatures, and approval dates, with all attachments and supporting documents.
- 6. After EPA has received the list of projects identified in Request No. 4, the EPA will narrow the list and send it to FMC. FMC must thereafter provide the documents in (a) through (h) below, as applicable, for those projects on the narrowed list within thirty (30) calendar days of its receipt of the narrowed list:
 - a) all capital improvement project requests with authorized expenditures, authorizing signatures, and approval dates, with all attachments and supporting documents (unless already provided under Request No. 5),
 - b) copies of all permits, applicability determinations, and non-applicability determinations, along with supporting information related to each project. Relevant documents include, but are not limited to: permit applications, correspondence, memoranda, telephone discussion summaries, and communications with state and/or federal agencies related to applicability of the federal SIP-approved PSD/NSR program, SIP-approved minor source construction permitting program, and 40 C.F.R. Part 60, New Source Performance Standards,
 - c) project justifications,
 - d) cost/benefit analyses,
 - e) all alternative options analyses,

- f) copies of all documents describing whether the project was associated with a life extension project, capacity increase, efficiency enhancement, or reliability improvement,
 - g) all request for proposals and price quotations submitted by equipment suppliers or contractors, and
 - h) all purchase orders and/or contracts for the project.
7. For each project identified in Request No. 4, provide the following:
- a) all notices or communications of any form with the State of Wyoming Department of Environmental Quality or with the EPA, which served to inform regulators of the work to be performed, and
 - b) copies of all emission calculations performed in conjunction with the project, a description of each calculation methodology, and all documents discussing the need for permits or applicability for each project. In addition, provide all documents which discuss or identify why each project did or did not undergo formal state and/or agency environmental review prior to commencing the project, as well as any determination(s) that no emission calculations were necessary.
8. Provide copies of results and reports for all measurements of volatile organic compound and/or hazardous air pollutant emissions that have been conducted on the calciners for any reason. Also, include any ore sampling results that were taken contemporaneous to the emissions measurements.
9. Provide a list of all other air pollution measurements that have been conducted on the calciners for any other pollutant not covered under Request No. 8 for any reason since 1995.
10. For each facility, provide the following information in electronic format (Excel or other comma delimited format) on a total facility basis, by each individual calciner, and/or by each process line, as indicated in each subparagraph, from 1995 to present:
- a) total amount of raw ore feed (tons) processed to produce soda ash for both the total facility and for each individual calciner, on monthly basis,
 - b) total amount of calcined material discharged from each calciner, on a monthly basis,
 - c) total amount of finished soda ash produced (tons) for the total facility and by each process line, on a monthly basis,
 - d) total heat input (mmBTU) of fuel consumed for each calciner, on a monthly basis.
 - e) spill temperature set points for each calciner,
 - f) monthly average spill temperature measured for each calciner,
 - g) monthly average trona ore sampling results upstream of each calciners (or for the total facility if sampling upstream of each calciner did not occur) for the

- following as available: % trona, % alkalinity, % insolubles, % water, % NaCl, % SiO₂, and % TOC, and
- h) monthly emissions data (in lb/ton and tons/month) for each calciner. For pollutants measured by a continuous emissions monitoring systems (CEMS), provide the monthly CEMS data for those months where a CEMS was in use. For those pollutants not measured by a CEMS, provide the emission values reported to the Wyoming Department of Environmental Quality with an explanation of how the emissions were estimated.
11. Provide the following information in electronic format (Excel or other comma delimited format) for each coal-fired boiler 1995 to the present:
- a) operating hours on a monthly basis,
 - b) coal consumption (tons) on a monthly basis,
 - c) total heat input (mmBTU) on a monthly basis,
 - d) monthly emissions data (in lb/mmBtu and tons/month) for pollutants measured by a CEMS, and
 - e) summary results of all stack tests for PM, PM₁₀ and PM_{2.5}.

ENCLOSURE 3

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

(Signature)

(Title)

(Date)

ENCLOSURE 4

Confidential Business Information (CBI) Assertion and Substantiation Requirements

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive position. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

Submit your answers to the above questions concurrently with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

David Rochlin
U.S. EPA Region 8
1595 Wynkoop Street (ENF-L)
Denver, CO 80202-1129
(303) 312-6892

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

ENCLOSURE 3

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

(Signature)

(Printed Name)

(Title)

(Date)